

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT
AND MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE
RULES. See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24.

FILED BY CLERK

OCT 30 2008

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,

Appellee,

v.

JUSTIN RUSSEL HENDRIX,

Appellant.

2 CA-CR 2008-0081

DEPARTMENT B

MEMORANDUM DECISION

Not for Publication

Rule 111, Rules of
the Supreme Court

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20071461

Honorable Howard Hantman, Judge

AFFIRMED

R. Lamar Couser

Tucson
Attorney for Appellant

E S P I N O S A, Judge.

¶1 After a jury trial held in January and February 2008, appellant Justin Russel Hendrix was convicted of transporting two pounds or more of marijuana for sale. The trial court sentenced Hendrix to a substantially mitigated term of three years' imprisonment.

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), avowing he has reviewed the entire record and has found no non-frivolous issue that might result in a reversal. In compliance with *State v. Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d 89, 97 (App. 1999), he has provided “a detailed factual and procedural history of the case with citations to the record, [so] this court can satisfy itself that counsel has in fact thoroughly reviewed the record.” Hendrix has not filed a supplemental brief.

¶3 Pursuant to our obligation under *Anders*, we have reviewed the record in its entirety and are satisfied it supports counsel’s recitation of the facts. Viewed in the light most favorable to upholding the jury’s verdict, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), the evidence established that Hendrix was the passenger in a pickup truck when an Arizona Department of Public Safety officer initiated a routine traffic stop and, after smelling the odor of fresh marijuana coming from within the vehicle, asked Hendrix to step out. When he did so, the officer saw what appeared to be a bale of marijuana behind the passenger seat. After Hendrix and the driver were arrested, additional bales were discovered behind the driver’s seat and on the truck bed. The combined weight of the bales recovered from the truck was estimated at 283 pounds. According to a marijuana trafficking expert, this was consistent with an amount intended for sale. Laboratory analysis conducted on core samples from two of the bales confirmed the substance as marijuana. In addition, a cellular telephone removed from Hendrix’s pocket

after his arrest contained outgoing text messages that, according to a police officer trained to investigate illegal drug activity, referred to marijuana trafficking. Thus, substantial evidence supported all the elements necessary for Hendrix's conviction. *See* A.R.S. §§ 13-3401(36)(h); 13-3405(A)(4), (B)(11). The sentence the trial court imposed was within the statutory range authorized by A.R.S. § 13-702.01(B).

¶4 We find no error warranting reversal and therefore affirm Hendrix's conviction and the sentence imposed.

PHILIP G. ESPINOSA, Judge

CONCURRING:

GARYE L. VÁSQUEZ, Judge

J. WILLIAM BRAMMER, JR., Judge